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OFFICE OF PETITIONS

In re Patent No. 7,612,075 : DECISION ON REQUEST
Ewing, et al. : FOR
Issue Date: November 3, 2009 : RECONSIDERATION OF
Application No. 10/628,093 : PATENT TERM ADJUSTMENT
Filed: July 25, 2003 : and
Atty. Docket No. USA2575USCNT1: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 24, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand, four hundred and seventeen (1,417) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand, eight hundred and thirty (1,830) days¹ is **GRANTED to the extent indicated herein.**

¹ The "B" delay period is 1,197 days, not 831 days. Patentees do not expressly state that the "B" delay is 831 days, but state that the "B" delay is 784 days after the subtraction of 12 days, 34 days, and 1 day as overlapping periods. Thus, it is concluded that patentees calculate the maximum period of "B" delay, before any subtraction of days for overlapping periods, is 831 days. The maximum period of "B" delay period is calculated, counting the number of days beginning on July 26, 2006, and ending on November 3, 2009, the date of issuance. See 1.703(b). The result of 1,197 days is the maximum period of "B" delay prior to any subtraction of days for overlapping periods. Thus, the period of 1,197 days is the period of "B" delay from which any overlapping periods are subtracted.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand, eight hundred and thirty **(1,830)** days.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,612,075 B2

DATED : Nov. 3, 2009

INVENTOR(S) : Ewing, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1162) days

Delete the phrase "by 1162 days" and insert – by 1830 days--